MT LEGISLATIVE HISTORY

Chapter 214 1973

Bill H _____ S 310 Original bill & hist. ___C

| H. Committee on Natural Resources | | S. Committee on Natural Resources | |
|---|---|---|---|
| Hearing Date(s) Feb 24 | ✓C | Hearing Date(s) Jan 22 | ✓C |
| _____ | ___C | _____ | ___C |
| _____ | ___C | _____ | ___C |
| _____ | ___C | _____ | ___C |
| Date Out Feb 24 | ✓C | Jan 22 | ✓C |

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE BILL 230:
Chairman Shelden opened the meeting to a hearing of this bill.

Ted Doney, Department of Natural Resources and Conservation, read a statement by Orrin Ferris, Chief, Engineering Bureau of the Dept. of Natural Resources. This is exhibit 7. It states that the Army Corps of Engineers has been given the responsibility of inspecting all dams and reporting to Congress; and as present law does not permit the state to examine all the dams in Montana, this bill would amend the law to apply to all dams having a height of 25 feet or more and to reservoirs storing 50 acre feet or more of water; and so the state could co-operate with the Corps of Engineers more fully.

Questions were asked by the committee.

Rep. Walborn moved that SB 230 be concurred in. The motion carried with Rep. Lien voting no and Reps. Swanberg and Quilici absent.

SENATE BILL 310:
Mr. Doney was the speaker on this bill, also. He stated that this bill is to delete the mandatory public hearing from the requirements to receive a weather modification permit. He felt it was a needless expense in many cases, but also stated that where there was a controversial question there would be a public hearing.

Questions were asked by the committee.

Rep. Harper moved that SB 310 be concurred in. The motion carried unanimously except for those absent (Swanberg and Quilici).

The meeting adjourned at 1:15.

Respectfully submitted,

ARTHUR H. SHELDEN
Chairman

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WITNESS STATEMENT

Name Ted J. Doney Date 2/24/73

Address Mitchell Bldg. Support ? X

Representing Dept. Natural Resources & Conservation Oppose ? _____

Which Bill ? SB 230, 310, 445 Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Gary L. Wicks Date 2/24/93.

Address _____ Support ? ✓

Representing Dept of Nat Res. Oppose ? _____

Which Bill ? SB 230, 310, 445 Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

January 27, 1973

The seventh meeting of the committee on Natural Resources met in room 415 of the State Capitol on Saturday, January 27 at 10:00 A.M. A roll call was taken, and the chairman, Senator Bertsche called the meeting to order at 10:08.

Senator James was asked to explain Senate Bill 211, and he asked Herbert Hadley, Billings, Montana, Board of Soil and Water Conservation, geologist to explain the bill and the need for it. They explained the lack of control over tests without the bill.

Senator Hazelbaker explained Senate Bill 284, gave the committee a copy of his testimony along with proposed amendments--attached.

Other proponents of the bill were Peter V. Jackson III, a member of the Madison Conservation District, A. G. Slattery, President of Montana Association of Conservation Districts, Mr. Mort Lott, Jr., a member of the Board of Ruby River Users Association, Mr. Siff Sudensticker, Ruby Valley Conservation District; Mr. Jack Fenton, Chairman of ASCS, Madison County, Mr. Douglas Allen, Madison County Commissioner.

Opponents of the bill were Jim Posewitz, Fish & Game and Don Aldrich, Montana Wildlife Federation mentioned H. B. 474 sponsored by Swanberg that would put all streams under the Fish & Game.

Senator Harrison talked briefly on Senate 310, and asked Ted Doheny to explain the bill further.

A motion was made by Senator McKeon, seconded by Senator Flynn to amend S. B. 211 to provide an effective date and the appropriate amendment made in the title. Voted and passed.

A motion made by McKeon, seconded by McGowan that S. B. 211 DO PASS AS AMENDED. Voted and passed.

A motion by Senator McKeon, seconded by Senator Darrow that S. B. 284 DO NOT PASS.

A substitute motion by Senator Bollinger, seconded by Senator McGowan that S. B. 284 be held in committee for further study. Motion Passed.

Senate Bills 230, 231, & 188 were posted for hearing on Tuesday, January 30. Joint Public hearing in House Chamber on all Coal Bills February 2, 7 to 10 P.M.--S. B. 94, 108, 145, & 252--& S. B. 94, 108, 145 & 252 at 10:00 A.M.--February 6, 8 & 10 in Governor's Reception room.

The meeting adjourned.

Wm. H. Bertsche, Chairman

SENATE COMMITTEE NATURAL RESOURCES

Date 2/27 S Bill No. 310 Time

| NAME | YES | NO |
|---|---|---|
| Gordon McGowan, V. C. | | |
| Gordon Bollinger | / | |
| Percy De Wolfe | | |
| Elmer Flynn | | |
| Luke McKeon | / | |
| George Bennett | | |
| Archie Cochrane | | |
| George Darrow | | |
| George McCallum | | |
| Earl Moritz | | |
| Bill Bertsche, Chairman | / | |

Secretary, Sylvia Kinsey

Chairman, Bill Bertsche

Motion: Do pass as Amended

SENATE COMMITTEE NATURAL RESOURCES

Date 2/27 9 Bill No. 310 Time

| NAME | YES | NO |
|---|---|---|
| Gordon McGowan, V. C. | / | |
| Gordon Bollinger | | |
| Percy De Wolfe | | |
| Elmer Flynn | | |
| Luke McKeon | | |
| George Bennett | | |
| Archie Cochrane | | |
| George Darrow | | |
| George McCallum | | |
| Earl Moritz | | |
| Bill Bertsche, Chairman | | |

Secretary, Sylvia Kinsey

Chairman, Bill Bertsche

Motion: Amend

the *board* shall constitute a quorum for the transaction of any and all business of the *board*.

The *board* may incur all such costs, charges and expenses as are reasonably necessary in carrying out the intent and purposes of this act.

*Each member may be paid twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of board duties, and shall also be reimbursed for actual and necessary expenses incurred in his official service."*

Section 2. This act is effective on its passage and approval.

Approved: March 8, 1973.

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## CHAPTER NO. 214

An Act Deleting the Mandatory Public Hearing from the Requirements to Receive a Weather Modification Permit and Make the Holding of Such Public Hearing Permissive; Authorizing the Department of Natural Resources and Conservation to Assess the Applicant for the Costs Incurred by the Department in Holding the Hearing; and Amending Section 89-318, R.C.M. 1947, and Provide an Effective Date.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. Section 89-318, R.C.M. 1947, is amended to read as follows:

"89-318. **Issuance of permits—requirements for permit—***hearing. (1)* The permits shall be issued in accordance with procedures and subject to conditions the board *of natural resources and conservation* may by rule establish to effectuate the provisions of this act, only:

*(a)* if the applicant is licensed pursuant to this act;

*(b)* if sufficient notice of intention is published and proof of publication is filed as required in section *89-322* of this act;

*(c)* if an applicant furnishes proof of financial responsibility in an amount to be determined by the board as required in section *89-323* of this act;

*(d)* if the fee for the permit is paid as required in section *89-324* of this act;

*(e)* if the weather modification and control activities to be



conducted are determined by the board to be for the general welfare and the public good.

*(2) The department of natural resources and conservation shall hold a public hearing in the area to be affected by the issuance of the permit, if the board determines that a hearing is necessary. The department may assess the permit applicant for the costs incurred by the department in holding the hearing."*

Section 2. This act is to become effective on its passage and approval.

Approved: March 8, 1973.

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## CHAPTER NO. 215

An Act to Amend Section 23-3013, R.C.M. 1947, By Extending the Time In Which the Registrar Must Make A Survey; and Extending the Number of Elections Before A Voter's Registration Card Is Canceled.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. Section 23-3013, R.C.M. 1947, is amended to read as follows:

"23-3013. **Cancellation of registry for failure to vote—reregistration—cancellation of registry of elector in United States service.** (1) Except as provided in subsection (3) of this section, *within sixty (60) days* after every general election *in* which a president is elected, the registrar shall:

(a) Compare the electors who have voted in each precinct, as shown by the official pollbooks, with the official register of each precinct;

(b) Remove the registry cards of all electors who *have* failed to vote, mark each card "canceled," and place canceled cards for the entire county in alphabetical order in the "canceled file";

(c) Notify each elector in writing before the thirty-first day after cancellation by sending notice to his post-office address as shown on the election records.

(2) An elector whose card is removed and canceled may register in the same manner as his original registration was made.

*(3)* The registration of an elector who actually votes by absentee ballot shall not be cancelled if his ballot is received and